

Notice of Allowability

Application No.

10/771,799

Examiner

Kiran B. Patel

Applicant(s)

EMERY ET AL.

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/22/05.
2. ☒ The allowed claim(s) is/are 10-29.
3. ☒ The drawings filed on 22 June 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Kiran B. Patel
Primary Examiner
Art Unit: 3612

Examiner's Amendment and
Examiner's Statement of Reasons for Allowance
Allowance

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview with Mr. Sobelman.

2. The application has been amended as follows:

Paragraph 0001 has been amended to read as follows:

This application claims priority to, and the benefit of, U.S. Provisional Application Serial No. 60/445,541 filed February 6, 2003, which is hereby incorporated by reference.

Claim 10 was amended to read as follows:

10. A cabinet system configured to be received within a vehicle bed, said cabinet system comprising:

a cabinet having a storage area, a first side and a second side;

a first bracket configured to movably mount to said first side of said cabinet;

a second bracket configured to movably mount to said second side of said cabinet;

an adjustable height device integral with said cabinet, wherein said adjustable height device at least one of raises and lowers said cabinet;

said adjustable height device comprising a first member reciprocally received within a second member, at least one of said first member and said second member being sealed so as to maintain at least one of a pressurized gas and a pressurized liquid;

a height adjustment actuator interfacing with said adjustable height device and configured to control said first member;

a guide rod assembly comprising a first guide member reciprocally received by a second guide member, wherein said second guide member is affixed to said adjustable height device and said first guide member is affixed to a wheel platform;

said wheel platform comprising a top horizontal surface wherein said second member is affixed to said top horizontal surface; and,

an articulating wheel affixed to a lower surface of said wheel platform.

3. The following is an Examiner's statement of reasons for allowance:

The primary reason for the allowance of the claims in this case, is the inclusion of the limitation "a height adjustment actuator interfacing with said adjustable height device and configured to control said first member; a guide rod assembly comprising a first guide member reciprocally received by a second guide member, wherein said second guide member is affixed to said adjustable height device and said first guide member is affixed to a wheel platform; said wheel platform comprising a top horizontal surface wherein said second member is affixed to said top horizontal surface; and an articulating wheel affixed to a lower surface of said wheel platform" in the independent claim, in combination with the other recited limitations in claims supported by this application, which are not found in the prior art of record.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Kiran B. Patel whose telephone number is 571-272-6665. The examiner can normally be reached on M-F from 8:00 to 5:00. The

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fax phone number for the organization where this application or proceeding is

assigned is (571) 273-8300.



Kiran B. Patel, P. E.

Primary Examiner

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July 22, 2005